

H.A

Notice of Allowability

Application No.

10/706,578

Applicant(s)

METZGER ET AL.

Examiner

Tamiko D. Bellamy

Art Unit

2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/12/03.
2. ☒ The allowed claim(s) is/are 1-50.
3. ☒ The drawings filed on 12 November 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>5/10/04</u> and <u>5/13/04</u> , <u>3/4/05</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Lowell Anderson on 3/4/05.

The application has been amended as follows:

- b. Claim 7, line 14, insert after the word "recess" -- in the first test slide--.
- c. Claim 28, line 9, delete the word "slidable".
- d. Claim 22, line 4, insert after the words "first means", --removably inserted in the pipe fitting wall =
- e. Claim 22, line 6, insert after the words "second means" --movable with the recess in the first means.
- f. Claim 29, line 1, change "29" to --28--.
- g. Claim 33, line 7, insert after the word "recess", --in the first slide --.
- h. Claim 40, line 14, insert after the word "recess" --in the first slide.
- i. Claims 51-53 have been canceled.

Allowable Subject Matter

2. Claims 1-50 are allowed.

Re to claim 1, the independent claim includes “ a second pressure release slide removably received within the recess in the test slide “ in combination with the remaining claim limitation is not taught and/or made obvious by the prior art. As depicted in figs 4-6 of either Pampinella ‘007 or ‘139 teaches a first slide (e.g., flexible diaphragm 22). Pampinella ‘007 or ‘139 also teaches a second pressure slide (e.g., valve member 32) that overlaps the first test slide (e.g., flexible diaphragm 22). Neither Pampinella ‘007 nor ‘139 teaches a second pressure release slide removably received within the recess in the test slide. Forni teaches a first test slide (e.g., disc 32) removably inserted into a port. Forni does not teach a second pressure release slide removably received within the recess in the test slide.

Re to claim 7, the independent claim includes “ a second pressure release slide configured to move within the recess in the first test slide between a first position blocking the flow of fluid through the first hole, and a second position allowing fluid to flow through the test slide “ in combination with the remaining claim limitation is not taught and/or made obvious by the prior art. As depicted in figs 4-6 of either Pampinella ‘007 or ‘139 teaches a first slide (e.g., flexible diaphragm 22). Pampinella ‘007 or ‘139 also teaches a second pressure slide (e.g., valve member 32) that overlaps the first test slide (e.g., flexible diaphragm 22). Neither Pampinella ‘007 nor ‘139 teaches a second pressure release slide configured to move within the recess in the first test slide. Forni teaches a first test slide (e.g., disc 32) removably inserted into a port. Forni does not teach a second pressure release slide configured to move within the recess in the first test slide.

Re to claim 22, the independent claim includes “ a second means movable within the recess in the first means “ in combination with the remaining claim limitation is not taught

Art Unit: 2856

and/or made obvious by the prior art. As depicted in figs 4-6 of either Pampinella '007 or '139 teaches a first slide (e.g., flexible diaphragm 22). Pampinella '007 or '139 also teaches a second slide (e.g., valve member 32) that overlaps the first slide (e.g., flexible diaphragm 22). Neither Pampinella '007 nor '139 teaches a second means movable within the recess in the first means. Forni teaches a first slide (e.g., disc 32) removably inserted into a port.

Forni does not teach a second means movable within the recess in the first means. As depicted in figs. 2 and 3, Abby teaches a first means (16) relative to a fitting having a first hole (e.g., opening 44) allowing fluid flow through the first slide (e.g., opening 44). Abby teaches also teaches a second means (e.g., valve plate 20) that slides along one surface of the first slide (16) and has a second hole (e.g., opening 70). As depicted in fig. 3, Abbey teaches that in open position of the second slide (e.g., valve plate 20) first and second holes (44, 70) overlap, and in closed position the first hole (70) is blocked by the second slide (20). Abbey does not teach a second means movable within the recess in the first means.

Re to claim 28, the independent claim includes “ a second slide movable within the recess in the first slide and having a size sufficient to block the first hole, and having a second hole there through and the recess being sufficient sized to allow the second slide to move within the recess between the open position with the first and second holes overlapping and a closed position with the first hole blocked by the second slide“ in combination with the remaining claim limitation is not taught and/or made obvious by the prior art. As depicted in figs 4-6 of either Pampinella '007 or '139 teaches a first slide (e.g., flexible diaphragm 22). Pampinella '007 or '139 also teaches a second slide (e.g., valve member 32) that overlaps the first slide (e.g., flexible diaphragm 22). Neither Pampinella '007 nor '139 teaches a second

slide movable within the recess in the first slide. Forni teaches a first slide (e.g., disc 32) removably inserted into a port. Forni does not teach a second slide movable within the recess in the first slide. As depicted in figs. 2 and 3, Abby teaches a first slide (16) relative to a fitting having a first hole (e.g., opening 44) allowing fluid flow through the first slide (e.g., opening 44). Abby teaches also teaches a second slide (e.g., valve plate 20) that slides along one surface of the first slide (16) and has a second hole (e.g., opening 70). As depicted in fig. 3, Abby teaches that in open position of the second slide (e.g., valve plate 20) first and second holes (44, 70) overlap, and in closed position the first hole (70) is blocked by the second slide (20). Abby does not teach a second slide movable within the recess in the first slide.

Re to claim 33, the independent claim includes “ placing a second slide in the internal recess in the first slide in a closed position to block the fluid flow through the first slide” in combination with the remaining claim limitation is not taught and/or made obvious by the prior art. As depicted in figs 4-6 of either Pampinella ‘007 or ‘139 teaches a first slide (e.g., flexible diaphragm 22). Pampinella ‘007 or ‘139 also teaches a second slide (e.g., valve member 32) that overlaps the first slide (e.g., flexible diaphragm 22). Neither Pampinella ‘007 nor ‘139 teaches a placing a second slide in the internal recess in the first slide. Forni teaches a first test slide (e.g., disc 32) removably inserted into a port. Forni does not teach placing a second slide in the internal recess in the first slide.

Re to claim 40, the independent claim includes “ moving the second slide within the recess in the first slide so that a second hole in the second slide overlaps with a first portion of the first hole” in combination with the remaining claim limitation is not taught and/or made

Art Unit: 2856

obvious by the prior art. As depicted in figs 4-6 of either Pampinella '007 or '139 teaches a first slide (e.g., flexible diaphragm 22). Pampinella '007 or '139 also teaches a second slide (e.g., valve member 32) that overlaps the first slide (e.g., flexible diaphragm 22). Neither Pampinella '007 nor '139 teaches a placing a second slide in the internal recess in the first slide. Forni teaches a first test slide (e.g., disc 32) removably inserted into a port. Forni does not teach placing a second slide in the internal recess in the first slide.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

The following patents are cited to further show the state of art with respect to leak testing device with a second test slide:

U.S. Pub. No. (2004/0134260) as to Pampinella et al.

U.S. Pub. No. (2004/0134261) as to Pampinella et al.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamiko D. Bellamy whose telephone number is (571) 272-2190. The examiner can normally be reached on Monday - Friday 7:30 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

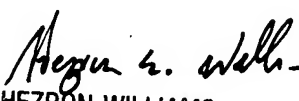
Art Unit: 2856

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tamiko Bellamy

T.B.

March 4, 2005


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